

Alert - my name is Rita and I was in Cody and broke my ankle this summer and this doctor "fixed it". He did a terrible job and I needed two more surgeries at home and I am suing him. I looked up this doctor and found this recent arrest. If this is your doctor beware and let the hospital in Cody and your state medical board know about him. He has already been investigated for drunkenness when on call at the hospital and has a dozen lawsuits that he lost! The Wyoming board of medicine told me he has several complaints from other doctors and Physician Assistants that he was drunk at work and in the operating room. Beware! How can they let someone like this practice? You can find this on line at Park County Sheriff's department website.

10/17/2010 at 0000 LOWER SOUTHFORK AND 6NS

BOOKING/ **BILES, JIMMIE GENE JR**

31-5-233-bi: ACT PHYS CTRL W/ BAC (blood ETOH level) OVER .18
Lewd act with resisting arrest
Illegal possession controlled substance
Felony investigation

Age: 57 Sex: Male Race: White

Height: 6' 0" Weight: 230 Hair: Blond Eyes: Blue



Alert - my name is Rita and I was in Cody and broke my ankle this summer and this doctor "fixed it". He did a terrible job and I needed two more surgeries at home and I am suing him. I looked up this doctor and found this recent arrest. If this is your doctor beware and let the hospital in Cody and your state medical board know about him. He has already been investigated for drunkenness when on call at the hospital and has a dozen lawsuits that he lost! The Wyoming board of medicine told me he has several complaints from other doctors and Physician Assistants that he was drunk at work and in the operating room. Beware! How can they let someone like this practice? You can find this on line at Park County Sheriff's department website.

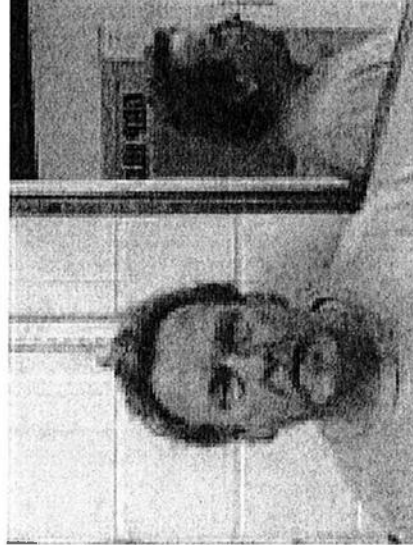
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tabbles

EXHIBIT

Mass mailing targets doctor



Posted: Monday, December 13, 2010 4:09 pm

By BRENNIA BRAATEN |

A letter received last week by many in the Big Horn Basin contains false statements about a local doctor, according to the Sheriff's Office.

The letter alleges that Dr. Jimmie Gene Biles Jr., M.D., 57, did a "terrible job" fixing the ankle of a woman named "Rita"; accused of being drunk at work and while on call.

The letter also lists booking information and a photo from a DWUI that Biles received Oct. 17.

Several calls to Biles were not returned by press time.

The letter was distributed around the basin Wednesday. Sheriff Scott Steward said he'd received reports of the letters reaching and Hot Springs counties as well.

Steward said he's never seen anything like this happen before, "at least not to this magnitude."

The letter lists several charges against Biles other than the DWUI.

No court documents to support those additional claims could be found at the courthouse, and Steward confirmed those are "completely false."

"It appears that someone accessed the Park County Sheriff's public website and obtained arrest information on the individual in a release. They then altered that information to include more serious offenses that never occurred."

The letter also alleges Biles "has a dozen lawsuits that he lost." There are no Park County court documents to support that.

A letter to the editor from Biles' staff at Yellowstone Sports Medicine states, "Working in the OR with him we have only a professionalism, skill and experience." (The entire letter is on page A-4.)

The sheriff's office received many calls from people wondering if the letter was true and if deputies were planning on doing it.

Mass mailing targets doctor - Cody Enterprise: L...

<http://www.codyenterprise.com/news/localarticl...>

Steward said they are investigating the case to see if any criminal charges can be held against the person behind the letter, include libel or forging documents, he said.

The arrest information on the sheriff's website and its database is correct, Steward said.

Cody Postmaster Dean DiJenno said there was no real way of knowing how many letters went out, but he guesses it was a mailing."

The letter was sent out in bulk from a direct mail company in Fishers, Ind. Most likely, a mailing list was purchased for the he said.

The direct mail company refused to release the name of the client, DiJenno added.

"Anybody anywhere can contact a mailing house and send out mail to a list," he said.

He said the lists can come from magazine subscriptions, credit card companies or even banks that have sold individuals' in

The post office had no idea what it was delivering beforehand, DiJenno said.

"The post office doesn't censure the mail," he added. "We were just delivering the mail."

He said the post office shouldn't be held responsible for the letters, but he's checked with postal inspectors and the bulk mail units and legal counsel.

"All agree we did what we were supposed to do," he said.

He said this is sometimes what can happen when we have the freedom to send mail without it being opened and censored.

"It's something we wish hadn't come through the mail, but we need to protect the sanctity of the mail," he said.

(Brenna Braaten can be reached at brenna@codyenterprise.com.)

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December 14, 2010 3:45 pm

Print

Doctor disparaged

Written by CJ Baker

Inaccurate, anonymous flyer mailed throughout the Big Horn Basin

A Cody doctor was disparaged in an anonymous mass mailing last week, and evidence indicates the letter is primarily made up of falsehoods.

The flyer, mailed to a substantial number of residents across Park County and the Big Horn Basin, purports to have been written and sent by a dissatisfied patient of Dr. Jimmie Biles, an orthopaedic surgeon based out of Cody.

The flyer, sent by an individual identifying herself as "Rita," tells readers that "(i)f this is your doctor beware," claiming in part that Biles has been investigated for being drunk at work, following complaints from fellow physicians.

In an open letter to Big Horn Basin residents appearing as an advertisement in today's Tribune, Biles flatly denied the allegations contained in the flyer.

"These allegations are simply not true; and they are designed to hurt me, my medical practice and my family," Biles wrote.

The Wyoming Board of Medicine and West Park Hospital also denied the flyer's claims.

In their own open letter, West Park officials said Biles has never been disciplined by the hospital since joining its staff in 1987.

"There is no truth to the allegations in the letter about Dr. Biles' behavior or care provided at the hospital, nor has the Wyoming Board of Medicine received any pending complaints, taken any action of Dr. Biles, or provided information to anyone about physician complaints against Dr. Biles," says the letter, signed by West

Park Chief Executive Officer Doug McMillan, Chief of Staff Kirk Bollinger and hospital Board Chairman Carol Roberts.

In the mass-mailed flyer, "Rita" claims she was told by the Wyoming Board of Medicine that several doctors complained about Biles being drunk at work and in the operating room.

However, Kevin Bohnenblust, the executive director of the Wyoming Board of Medicine, said those allegations were news to the board.

"We have no knowledge of this. None at all," he said.

Bohnenblust also said even if an investigation had existed, he couldn't imagine that anyone at the board would have told someone an investigation was underway, because that's "completely against our policy."

As per state statute, "We make no disclosures of pending investigations," he said.

Doctor disparaged

<http://www.poweiltribune.com/news/item/5417-d...>

That policy, Bohnenblust said, not only makes the doctor innocent until proven guilty, but also protects the confidentiality of involved patients.

If a final disciplinary action is taken against a doctor, that information then becomes public.

There is no record of Biles having ever been disciplined by the board and as of Dec. 1, his medical license was current and in good standing.

Bohnenblust said there have been cases where individuals have misattributed information to the Wyoming Board of Medicine, but "nothing this blatant."

"This is pretty bad," he said.

The flyer also makes apparently inaccurate claims of Biles having multiple criminal charges pending.

The Park County Sheriff's Office did arrest Biles on a charge of driving under the influence of alcohol, a misdemeanor, on Oct. 17. He has pleaded not guilty.

The flyer-writer apparently copied and pasted the public booking information — including Biles' booking photo — from the sheriff's website but manipulated the text to claim Biles was facing three additional charges.

Responding to numerous phone calls about the flyer, Park County Sheriff Scott Steward issued a press release on Friday stating the sender had "altered that (booking) information to include more serious offenses that never occurred."

There is no record of Biles having ever been charged with any other criminal wrongdoing in Park County outside of traffic violations.

Steward said the department is investigating the mailing's origins.

In the flyer, "Rita" describes herself as someone who broke her ankle in Cody this summer. Rita accuses Biles of doing a "terrible job" of operating on the injury, and says she needed two additional surgeries "at home."

Rita says "I am suing him (Biles)," but Circuit and District Court records show there are no suits currently pending against Biles in Park County.

In his open letter, Biles said he has faithfully served his Big Horn Basin patients over the past 23 years and brought them good results.

Rita does not state where she lives, and the flyer did not include a return address. The bulk mailing was sent from Fishers, Ind., through a commercial mailing company, Steward said. The sheriff said he had talked to the company about identifying who ordered the mass mailing.

To access arrest data and booking photos on the Park County Sheriff's Office website, site visitors must first click through a disclaimer.

That notice reads in part: "Any person who uses information contained in or accessed through this website to threaten, intimidate, or harass any individual, including registrants or family members, or who otherwise misuses this information may be subject to criminal prosecution or civil liability under federal code and/or Wyoming State Statute."

Park County Attorney Bryan Skoric said he was looking to see if any civil or criminal charges

Doctor disparaged

<http://www.powelltribune.com/news/item/5417-d...>

might be appropriate if and when the sender is identified.

But, "To misuse it (that public booking information), is there a corresponding criminal statute for that? I don't think so," Skoric said.

Libel, the publication of false and malicious information about an individual, is a civil — not criminal — offense.

In their open letter, West Park officials called the flyer "slanderous."

"We don't understand why anyone would stoop to these levels in an attempt to single-handedly destroy a talented physician's reputation, but we personally know this physician, and know that this attack is unwarranted and undeserved," the officials wrote.

Bles' wife Rachel declined to comment in detail on the situation Monday, citing the continuing investigation into who sent the letter. However, she said the false accusations had been very hurtful to the family and that legal action would be pursued against the responsible party.

Bohnenblust, of the state medicine board, said if the letter was an attempt to distribute misinformation, it's concerning. He noted Wyoming has a shortage of critical care doctors and can't afford to lose them unnecessarily.

"If something undermines the public's confidence in a physician, it really hurts us all," Bohnenblust said.

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December 14, 2010 3:17 pm

Print

EDITORIAL: Verify before you judge

Written by Tessa Schweigert

There's an old fable about a gossip who didn't understand the consequences of her slanderous words. A wise man tells her to take feathers from a pillow and scatter them throughout town. After doing so, she is then challenged to pick up every single feather.

The task proves impossible. Wind sweeps the feathers far beyond her reach, and she gathers only a few.

Just as it was impossible for the gossip to pick up every scattered feather, so it was impossible to completely repair the damage wrought by her slander.

The analogy comes to mind as a case of damaging accusations plays out in the Big Horn Basin.

Last week, dozens of residents received an anonymous letter containing apparently libelous accusations about Dr. Jimmie Biles, who has practiced medicine in the area since 1987.

The letter contains a mug shot of Biles, obtained from the Park County Sheriff's website, and a list of allegations that are almost entirely unfounded. Though Biles was in fact arrested for a DUI in October, other accusations in the letter are complete fabrications.

In a statement Friday, Sheriff Scott Steward said someone "altered that information to include more serious offenses that never occurred."

The sheriff's office is investigating where the letter originated and who is responsible for the mass mailing.

It's worth noting that after the letter surfaced last week, West Park Hospital issued a statement affirming Biles as a professional, trusted physician and denouncing the contents of the anonymous letter.

In an interview with the Tribune, a representative with the Wyoming Board of Medicine said the allegations of medical misconduct were unfounded.

Dr. Biles also addressed the matter, and wrote in a statement, "These allegations are simply not true; and they are designed to hurt me, my medical practice and my family."

Unfortunately, words can create incredible damage. The malicious nature of this letter has the potential to cause harm, unless local residents choose to separate truth from lies.

It is our hope that residents verify the facts before making a judgment — and before spreading damaging words that can never be taken back.

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Doc sues: 'Mailing libelous'

3

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Posted: Wednesday, August 31, 2011 5:11 pm

By MARY FORNEY

A nurse accused of "assault libel" and slander against a Cody doctor did not work alone, court documents state.

Orthopedic surgeon Jimmie Biles Jr., M.D., filed a complaint and demand for jury trial in federal court in Cheyenne on Aug. 17. S. Fallon, a nurse formerly of Billings now living and working in Indianapolis, Ind. His lawsuit accuses her of the mass mailing of a defamatory flyer about him in November 2010.

Fallon is accused of providing Sharp Printing Inc., a commercial printing service in Fishers, Ind., with the flyer, along with a list of 14,239 Wyoming addresses and a money order for \$5,849. Court documents state the list of Wyoming addresses was created by Fallon.

The flyer displayed Dr. Biles' mug shot from a DWUI arrest Oct. 14, 2010, but listed additional false charges and false accusations of medical malpractice.

Fallon is suspected of sending out the information about Biles on behalf of an as-yet unidentified third party.

Biles' attorney Dan Fleck declined comment on the case, but added, "We are pursuing the identity of the third party."

At the time of the incident, Sheriff Scott Steward labeled the information on the flyers as being "completely false."

The majority of the flyers were mailed to households in Cody, Worland, Powell, Thermopolis, Greybull, Basin, Lovell, Meeteetse, Kirby, Ten Sleep, Frannie, Burlington, Wapiti, Cowley, Shell, Yellowstone Park, Otto and Byron.

Fallon is originally from Fishers, Ind., and works as a registered nurse at Community Hospital North in Indianapolis. Fallon declined comment on the lawsuit.

"Defendant Fallon's false and defamatory communications contained in the flyer tend to hold plaintiff Jimmie Biles, M.D. in contempt, ridicule and scorn," the complaint states.

Biles listed damage to his reputation, loss of credibility among peers, patients and the public, and loss of business, profits and earning capacity.

Doc sues: 'Mailing libelous' - Cody Enterprise: ...

<http://www.codyenterprise.com/news/localarticle...>

He reported the amount of damage to be more than \$75,000 and is asking the court to determine an award amount based c

The complaint alleges Fallon was acting at the request of someone else, but the name of the third party has not been releas

"Upon information and belief, Fallon did not use her own money to pay for the printing and mailing of the flyers, but used money to pay the commercial printing service," court documents state. "At the time Fallon published the defamatory state she was acting in concert with, and at the direction of, another person.

"Defendant's conduct is so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency regarded as atrocious and utterly intolerable in a civilized community," the lawsuit states.

Biles is represented by Dan Fleck and Kristeen Hand of the Spence Law Firm in Jackson, and Bill Simpson of Simpson, F Edwards in Cody.

(Mary Fornay can be reached at mary@cedyenterprise.com.)

3

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October 04, 2011

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Written by CJ Baker

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A Cody orthopaedic surgeon is suing an Indiana woman over an anonymous mass mailing that disparaged him with false information. The lawsuit alleges she facilitated the December 2010 mailing. The woman says she doesn't know what the suit is about.

Copies of the flyers, apparently intended to discredit Dr. Jimmie Biles of Yellowstone Sports Medicine, were sent to thousands of addresses across the Big Horn Basin in early December.

Dr. Biles' suit, filed Monday in Wyoming's Federal District Court, alleges that Lisa S. Fallon of Fishers, Ind., placed the order for the flyers' printing and mailing, but says she was acting as an agent for someone else. That individual apparently remains unknown.

"At the time Defendant Fallon published the defamatory and false statements causing financial injury to the Plaintiff, she was acting in concert with and at the direction of another person," says a portion of the 12 page complaint.

Biles accuses Fallon of defamation, intentional infliction of emotional distress and intentional interference with economic relations.

The suit alleges that Fallon corresponded with the Fishers, Ind., company that printed and mailed the flyer and also arranged the mailing. Biles' complaint says Fallon's email address and cell phone were used to communicate with the printing company, Sharp Printing Services, Inc.

However, when reached at that cell phone number on Wednesday morning, Fallon said the first time she'd heard of the allegations was when someone called her about the suit on Tuesday, and she denied any knowledge of them.

"It's a surprise to me. I don't know anything about it," Fallon said in a brief interview, adding later, "I don't have any idea what you guys are talking about."

Court records indicate Fallon does not yet have an attorney of record in the recently-filed suit. Biles is being represented by R. Daniel Fleck and M. Kristeen Hand of The Spence Law Firm in Jackson and Bill Simpson of Simpson, Kepler and Edwards in Cody.

Biles' complaint says the flyers were mailed to 14,239 addresses across the Big Horn Basin at a cost of \$5,849.47. Addresses receiving the letter included residents of Powell, Cody, Worland, Thermopolis, Graybull, Basin, Lovell, Manderson, Meeteetse, Kirby, Ten Sleep, Frannie, Burlington, Wapiti, Cowley, Shell, Otto, Byron and Yellowstone National Park.

The apparent author of the flyer identified herself only as "Rita," and claimed Biles did a "terrible" job in performing surgery on her broken ankle last summer in Cody. "Rita" said "I am suing him," but court records accessed by the Tribune show no suits were filed against Biles in the relevant local or federal courts that summer, nor are any pending.

In the letter, "Rita" went on to list a number of allegations that appear to have no basis in fact, including claims that Biles has been investigated for drunkenness while working at the hospital. West Park Hospital officials said there was "no truth" to those allegations and that Biles has never been disciplined by the hospital. Further, the Wyoming Board of Medicine — which "Rita" claimed had received several complaints about Biles — said no such complaints had ever been reported to the board.

The flyer is partially accurate in indicating that Biles was arrested on a charge of driving under the influence of alcohol on the night of Oct. 17, 2010. Whoever created the document copied the booking photo and arrest information from the Park County Sheriff's public website for the mailing, but then edited the text to make the offense appear more severe — adding more serious charges that Biles has never faced and overstating Biles' blood alcohol content level.

The DUI charge against Biles — who ultimately pleaded guilty — was dismissed last week under a deferred prosecution agreement with the Park County Attorney's Office. Biles followed the terms of six months of unsupervised probation and paid \$100, court records show.

Biles' complaint says Fallon damaged his reputation and business by distributing defamatory information she knew, or should have known, was false. It seeks an unspecified amount of damages for lost business, damage to his reputation, loss of enjoyment of life, emotional pain and suffering, along with punitive damages.

1 Comment

September 04, 2011 7:36 pm posted by Mark Raymond

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Orthopedic Surgeon's Reputation Attacked in 14,000 Fliers **Featured**

Written by Laura Miller | September 02, 2011

Social sharing

Orthopedic Surgeon Jimmie Biles, MD, of Yellowstone Sports Medicine in Cody, Wyo., claims an Indiana woman sent anonymous mass mailings last December that disparaged his reputation, according to a *Powell Tribune* report.

Fliers containing false information about Dr. Biles were sent to more than 14,000 addresses in his community last year. Now, Dr. Biles is suing the woman whose cell phone number and e-mail address were used to place the order for the fliers for defamation, intentional infliction of emotional distress and intentional interference with economic relations, according to the report.

The woman claims she was an agent for a different person and knows nothing about the suit.

The fliers claimed Dr. Biles did a "terrible" job when performing surgery for a broken ankle and said the author would be suing him. No suits have been filed against Dr. Biles at this point. The flier also listed additional false allegations, according to the report.

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4:01 PM, Sep 3, 2011 | [comments](#)

Written by
Lori Obert

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CODY, Wyo. (AP) - A Cody orthopedic surgeon is suing over a mass mailing sent to nearly 15,000 homes in northwestern Wyoming that he says uses false information to attack his work and his character.

The Powell Tribune reports (<http://bit.ly/nxYGHd>) Dr. Jimmie Biles of Yellowstone Sports Medicine filed a defamation lawsuit in U.S. District Court over the December 2010 mailing. It alleges that Lisa Fallon of Fishers, Ind., ordered the flyers' printing and mailing.

Fallon told the Tribune she doesn't know anything about the mailing.

The lawsuit says there are several false claims in the mailing, including that Biles is being sued by a woman over an ankle surgery last summer, and that he has been investigated for drunkenness at work. None of those claims are true, according to research by the paper.

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Cody doctor sues over mass mailing

Associated Press | Posted: Saturday, September 3, 2011 1:42 pm

CODY, Wyo. - A Cody orthopedic surgeon is suing over a mass mailing sent to nearly 15,000 homes in northwestern Wyoming that he says uses false information to attack his work and his character.

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